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## Legislative Assembly of Ontario

Second Session, 41<sup>st</sup> Parliament

## Assemblée législative de l'Ontario

Deuxième session, 41<sup>e</sup> législature

# Official Report of Debates (Hansard)

Wednesday 23 November 2016

# Journal des débats (Hansard)

Mercredi 23 novembre 2016

## Standing Committee on General Government

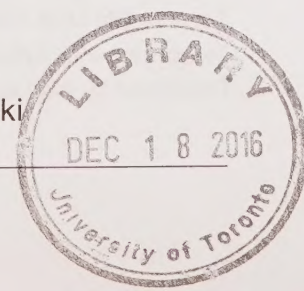
Election Finances Statute Law  
Amendment Act, 2016

## Comité permanent des affaires gouvernementales

Loi de 2016 modifiant des lois  
en ce qui concerne  
le financement électoral

Chair: Grant Crack  
Clerk: Sylwia Przewdziecki

Président : Grant Crack  
Greffière : Sylwia Przewdziecki



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# INTRODUCTION

The purpose of this study is to investigate the effects of

the use of a new software package on the productivity of

the research team. The study was conducted over a period of

three months, during which time the team used the software

## LEGISLATIVE ASSEMBLY OF ONTARIO

## ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

STANDING COMMITTEE ON  
GENERAL GOVERNMENTCOMITÉ PERMANENT DES  
AFFAIRES GOUVERNEMENTALES

Wednesday 23 November 2016

Mercredi 23 novembre 2016

*The committee met at 1601 in committee room 2.*ELECTION FINANCES STATUTE LAW  
AMENDMENT ACT, 2016LOI DE 2016 MODIFIANT DES LOIS  
EN CE QUI CONCERNE  
LE FINANCEMENT ÉLECTORAL

Consideration of the following bill:

Bill 2, An Act to amend various statutes with respect to election matters / Projet de loi 2, Loi visant à modifier diverses lois en ce qui a trait à des questions concernant les élections.

**The Chair (Mr. Grant Crack):** Good afternoon, everyone: members of the committee, members of the Clerks' office, Hansard, broadcasting. It's great to see you all. I'll call the Standing Committee on General Government to order.

We're gathered once again to continue clause-by-clause consideration of Bill 2, An Act to amend various statutes with respect to election matters. When we rose on Monday, prior to 6 o'clock, we were on NDP motion number 32.1. There had been a request for a recorded vote, which will be entertained. There was also a request for a 20-minutes recess, which was entertained. So we are here to start this afternoon with a vote.

I am calling the vote on NDP motion number 32.1. It is recorded.

## Ayes

Fife.

## Nays

Berardinetti, Colle, Hoggarth, Malhi, Rinaldi.

**The Chair (Mr. Grant Crack):** I declare NDP motion number 32.1 defeated.

There is one amendment to section 18. Is there any discussion on section 18, as amended? There being none, I shall call the vote on section 18. Shall section 18, as amended, carry? Those opposed? I declare section 18, as amended, carried.

We shall move to section 19. There are no amendments. Any discussion on section 19? There being none, I shall call for the vote on section 19. Those in favour of

section 19 carrying? Those opposed? I declare section 19 carried.

We shall move to section 20, which also has no amendments. Any discussion on section 20? There being none, I shall call for the vote. Shall section 20 carry? Those in favour? Those opposed? I declare section 20 carried.

Section 21: There are no amendments. Any discussion on section 21? There being none, I shall call for the vote on section 21. Those in favour of section 21 carrying? Those opposed? I declare section 21 carried.

We have a PC amendment, 33, in section 22. Mr. Hillier.

**Mr. Randy Hillier:** I'd like to withdraw that.

**The Chair (Mr. Grant Crack):** That is in order. PC motion number 33 is withdrawn.

Section 22: There are no amendments put forward. Is there any discussion on section 22? There being none, I shall call for the vote. Shall section 22 carry? Those in favour? Those opposed? I declare section 22 carried.

We shall move to section 23, which is PC motion number 34. Mr. Hillier.

**Mr. Randy Hillier:** I'd like to withdraw.

**The Chair (Mr. Grant Crack):** That is in order. PC motion 34 is withdrawn.

Therefore, there are no amendments to section 23. Is there any discussion on section 23? There being none, I shall call for the vote. Shall section 23 carry? Those in favour? Those opposed? I declare section 23 carried.

We'll move to section 24. We have PC motion number 35, which is an amendment to section 24, subsections 29(1) to 29(1.2) of the Election Finances Act. Mr. Hillier.

**Mr. Randy Hillier:** I'll withdraw.

**The Chair (Mr. Grant Crack):** That is in order. PC motion number 35 is withdrawn.

There are, therefore, no amendments to section 24. Any discussion of section 24? There being none, I shall call for the vote. Those in favour of section 24 carrying? Those opposed? I declare section 24 carried.

Section 25: There are no amendments. Any discussion on section 25? There being none, I shall call for the vote on section 25. Shall section 25 carry? Those in favour? Those opposed? I declare section 25 carried.

We shall move to section 26. There are no amendments. Is there any discussion with regard to section 26? There being none, I shall call for the vote. Those in favour of section 26 carrying? Those opposed? I declare section 26 carried.



Section 27: We had already dealt with this government motion, 36. So there is one amendment in section 27, and we shall move to NDP motion number 37, which is an amendment to section 27, subsection 32.1(4) to 32.1(6) of the Election Finances Act. Ms. Fife.

**Ms. Catherine Fife:** I move that subsection 32.1(4) of the Election Finances Act, as set out in section 27 of the bill, be struck out and the following substituted:

“Review

“(4) On or before December 31, 2021, the Chief Electoral Officer shall,

“(a) conduct a review of this section; and

“(b) table a report in the Legislative Assembly making recommendations to the Speaker with respect to any amendments to this section that the Chief Electoral Officer considers advisable.

“Same, factors to consider

“(5) The Chief Electoral Officer shall include in the report required by subsection (4) an assessment of whether the quarterly allowances provided for in this section promote access to politics and fairness to independent candidates.

“Delegation

“(6) The Chief Electoral Officer may delegate in writing to any officer on his or her staff authority to exercise any power and perform any duty assigned to the Chief Electoral Officer by this section.”

**The Chair (Mr. Grant Crack):** Further discussion? Ms. Fife.

**Ms. Catherine Fife:** I hope that this is fairly straightforward, from our view. We are engaging in a completely new system of funding of political parties. The Chief Electoral Officer has expressed to us that this is a new system. He's still trying to evaluate how his office will implement the funding of the system.

I think that it is prudent and responsible to include a component in Bill 2 that delegates the responsibility to the Chief Electoral Officer to conduct a review of how the financing is proceeding.

I hope to see support from the government side, as well as the PC side, on this particular amendment.

**The Chair (Mr. Grant Crack):** Mr. Hillier.

**Mr. Randy Hillier:** We're very supportive of this amendment, and I do hope that the Liberal members are also supportive of a review. Bill 2 changes the election financing laws substantially. What unseen or unintended consequences may arise are unknown at the present time. It would be a smart and reasonable thing to do: to incorporate a review mechanism within the act.

**The Chair (Mr. Grant Crack):** Further discussion? Mr. Berardinetti.

**Mr. Lorenzo Berardinetti:** The government will be voting against the motion, and the reason is this: The purpose of the provision would be repealed by this motion. It's required by cabinet to make a decision about whether the allowance should continue. It's critically important that the government of the day review the quarterly allowance after five years and make a determination about whether it should continue. Removing this

requirement opens the door to simply permitting the allowance to continue in perpetuity.

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**The Chair (Mr. Grant Crack):** Thank you very much. Further discussion? Ms. Fife.

**Ms. Catherine Fife:** Once again, I have to say that rationale does not meet any test of logic on behalf of the citizens of this province. I know that the parliamentary assistant is bringing forward the messaging from the AG's office or the Premier's office on this, but I must tell you, throughout this entire process the government has been incredibly—following prorogation—completely disrespectful to the independent officer, the Chief Electoral Officer. This is his job. It should not be delegated to any political party, regardless of who that party is. It should be an independent review of financing.

This was the promise that this government made to the people of this province around openness, transparency and doing government differently. It makes no sense to politicize the financing of parties in the province of Ontario. It's incredibly disappointing to hear the government say they will not support what is a very rational, prudent and pragmatic amendment to Bill 2.

**The Chair (Mr. Grant Crack):** Thank you. Further discussion? Mr. Hillier.

**Mr. Randy Hillier:** Yes, I'm astonished that the Liberal members are opposing this—or the Premier's office is opposing it through the members on this committee. This is calling for a review by an independent officer of Parliament on how this transformational change to our election financing system is actually working, and having it tabled in a public fashion. Anything less than a full public review by an independent and impartial officer is bogus. It's BS.

This is a solid, responsible, reasonable amendment that—astonishing. I'm just going to put it out there to the Liberal members: You are pushing that there is not all-party support for this bill. That's what you're pushing for. It is a disservice to the people of Ontario that election financing reform can't find all-party consensus just through the inflexibility and the obstinacy of the Liberal government.

**The Chair (Mr. Grant Crack):** Thank you very much, Mr. Hillier. Just to caution all members, there were a couple of letters used to imply something that I feel is quite borderline. So I would just ask everyone to use appropriate parliamentary language as we're conducting the debate.

Mr. McDonnell?

**Mr. Jim McDonnell:** Thank you, Chair. I say the same thing. This is a significant change to election financing. We have independent officers for a reason. One of them is to review the election and to make recommendations on changes to make sure that they're considered fair, open and accessible.

When you make a change like this, it's quite shocking that the government would refuse to let him comment on this part of the bill, especially when we heard him speak before that there are many parts of this bill that are not



seen anywhere else in the world, in democracy. I think that it begs the question—and we should be reviewing some of these changes to see if they actually achieve the results that this government is looking for. They haven't shared, really, the results or the objectives. To publish a report that the public and the members here can review, and to make statements as to whether it worked well or what changes we have to make—because I'm sure even if it was almost perfect, there's always room for some improvement.

I guess the only hope is that some other government will be making a decision on this that would open it up and allow the Chief Electoral Officer to actually comment and recommend changes so that the next government could improve this bill. I don't think that in its form—from what I've seen, that shouldn't be very difficult.

**The Chair (Mr. Grant Crack):** Further discussion on NDP motion number 37?

**Ms. Catherine Fife:** Recorded vote, please.

**The Chair (Mr. Grant Crack):** That is in order. I shall call for the vote, being that there is no further discussion. Recorded vote.

#### Ayes

Fife, Hillier, McDonell.

#### Nays

Berardinetti, Colle, Hoggarth, Malhi, Rinaldi.

**The Chair (Mr. Grant Crack):** I declare NDP motion number 37 defeated.

There is one amendment to section 27, which was government motion 36. Is there any further discussion on section 27, as amended? There being none, I shall call for the vote. Shall section 27, as amended, carry? Any opposed? I declare section 27, as amended, carried.

We shall move to PC motion number 38. Mr. Hillier?

**Mr. Randy Hillier:** Withdrawn.

**The Chair (Mr. Grant Crack):** That is in order. PC motion 38 is withdrawn, which results in no amendments carrying to section 28. Is there any discussion on section 28? There being none, I shall call for the vote. Shall section 28 carry? Those opposed? I declare section 28 carried.

We shall move to section 29. There is PC motion number 39. Mr. Hillier?

**Mr. Randy Hillier:** I'd like to withdraw.

**The Chair (Mr. Grant Crack):** That is in order. PC motion number 39 is withdrawn.

We shall move to PC motion number 40. Mr. Hillier?

**Mr. Randy Hillier:** I'd like to withdraw.

**The Chair (Mr. Grant Crack):** That is in order. PC motion number 40 is withdrawn.

There are no amendments to section 29. Any discussion? There being none, I shall call the vote. Shall section

29 carry? Those in favour? Those opposed? I declare section 29 carried.

We shall move to section 30. There is PC motion number 41. Mr. Hillier?

**Mr. Randy Hillier:** I'd like to withdraw.

**The Chair (Mr. Grant Crack):** That is in order. PC motion number 41 is withdrawn.

Hence, there are no amendments carried for section 30. Is there any discussion on section 30? There being none, I shall call the vote. Shall section 30 carry? Those in favour? Those opposed? I declare section 30 carried.

We shall move to NDP motion 42. Ms. Fife?

**Ms. Catherine Fife:** I move that the bill be amended by adding the following section:

"30.1 The act is amended by adding the following section:

"Disclosure of contributions—candidates, constituency associations, nomination contestants

"34.2(1) Subsection (2) applies in respect of a single contribution in excess of \$100 and contributions from a single source that in the aggregate exceed \$100.

"Disclosure

"(2) A contribution shall be disclosed in accordance with subsection (3) if it is accepted,

"(a) on behalf of a registered candidate;

"(b) on behalf of a registered constituency association; or

"(c) on behalf of a registered nomination contestant.

"Report to Chief Electoral Officer

"(3) Within 10 days after the contribution is deposited in accordance with subsection 16(3), the chief financial officer of the candidate, constituency association or nomination contestant, as the case may be, shall file with the Chief Electoral Officer a report about the contribution.

"Publication on website

"(4) Within two days after the report is filed, the Chief Electoral Officer shall ensure that the report or the information it contains is published on a website on the Internet in accordance with clause 2(1)(j.2).

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"Counting days

"(5) For the purposes of subsections (3) and (4), Saturdays, Sundays and days that are public holidays as defined in the Employment Standards Act, 2000 shall not be counted."

**The Chair (Mr. Grant Crack):** Thank you very much. Further discussion? Ms. Fife.

**Ms. Catherine Fife:** This came up, obviously, through delegations. We are asking for a benchmark around real-time disclosure. The Chief Electoral Officer had given us some feedback during the delegations.

I think for us, really, the debate becomes: What rules are rational, necessary and practical to have in place? In other words, we need to strike the right balance between transparency and participation in the electoral process, which is why we've made some adjustments on the timeline and also really provided some clarity on what



the expectations would be around disclosure and then reporting back to the Chief Electoral Officer.

**The Chair (Mr. Grant Crack):** Further discussion on NDP motion 42? There being none, I shall call for the vote.

**Ms. Catherine Fife:** Recorded vote, please.

**The Chair (Mr. Grant Crack):** A request for a recorded vote is in order and shall be entertained. I will call for the vote.

### Ayes

Fife.

### Nays

Berardinetti, Colle, Hoggarth, Malhi, Rinaldi.

**The Chair (Mr. Grant Crack):** I declare NDP motion number 42 lost. I'm sure members of the committee recall that we stood down section 2, which was NDP motion number 9, in order to deal with that particular section 2 once this new amendment was dealt with. It is lost; therefore, NDP motion number 9 is out of order.

We shall move back to section 2. There are no amendments. Is there any discussion on section 2 in its entirety, unamended? There being none, I shall call for the vote. Shall section 2 carry? Those in favour? Those opposed? I declare section 2 carried.

We shall move to section 31, which is PC motion 43, which is an amendment to subsection 31(1), subsection 35(1) of the Election Finances Act. Mr. Hillier?

**Mr. Randy Hillier:** Withdrawn.

**The Chair (Mr. Grant Crack):** Mr. Hillier has withdrawn PC motion 43. That is in order.

We shall move to PC motion 44, which is an amendment to subsection 31(2), subsections 35(3), (4), (5) and (6.1) of the Election Finances Act. Mr. Hillier?

**Mr. Randy Hillier:** Withdrawn.

**The Chair (Mr. Grant Crack):** That is in order. PC motion number 44 is withdrawn.

We shall move to PC motion number 45, which is an amendment to subsection 31(3), subsection 35(8) of the Election Finances Act. Mr. Hillier?

**Mr. Randy Hillier:** I move that subsection 35(8) of the Election Finances Act, as set out in subsection 31(3) of the bill, be struck out and the following substituted:

"Maximum amount of guarantee

"(8) A payment made by a guarantor in respect of a guarantee for a loan described in subsection (6.1) and collateral security provided by a guarantor in respect of such a loan are not contributions for the purposes of this act, but no guarantor shall make such a guarantee or provide such collateral security if the amount of the loan exceeds four times the maximum amount that the person is entitled to make as a contribution under this act."

**The Chair (Mr. Grant Crack):** Thank you very much. Further discussion? Mr. Hillier.

**Mr. Randy Hillier:** I don't believe there's much need to discuss it. The Liberals will already have their directions, and no argument is going to alter the course of how they vote.

**The Chair (Mr. Grant Crack):** Further discussion? There being none, I shall call for the vote on PC motion number 45. Those in favour of PC motion 45? Those opposed? I declare PC motion number 45 defeated.

We shall move to PC motion number 46, which is an amendment to subsection 31(3), subsection 35(9) of the Election Finances Act. Mr. Hillier?

**Mr. Randy Hillier:** Withdrawn.

**The Chair (Mr. Grant Crack):** That is in order.

There are no amendments to section 31. Any discussion on section 31? There being none, I shall call for the vote. Those in favour of section 31 carrying? Those opposed? I declare section 31 carried.

We shall move to section 32. Any discussion on section 32? There being none, I shall call for the vote. Shall section 32 carry? Those in favour? Those opposed? I declare section 32 carried.

We shall move to section 33, which is PC motion number 47, which is an amendment to section 33, clause 37.0.1(i) of the Election Finances Act. Mr. Hillier.

**Mr. Randy Hillier:** Withdrawn.

**The Chair (Mr. Grant Crack):** Thank you, Mr. Hillier. That is in order.

There are, therefore, no amendments to section 33. Is there any discussion on section 33? There being none, I shall call for the vote. Shall section 33 carry? Those in favour? Those opposed? I declare section 33 carried.

Section 34 is NDP motion number 48, which is an amendment to section 34, new sections 37.0.2 and 37.0.3 of the Election Finances Act. Ms. Gretzky.

**Mrs. Lisa Gretzky:** I move that section 34 of the bill be struck out and the following substituted:

"34. The act is amended by adding the following sections:

"Non-application re advertising by other governments

"37.0.2 For greater certainty,

"(a) nothing in this act affects government advertising by the government of Canada, the government of another province or territory of Canada or the government of a municipality or by any part of such a government;

"(b) no government or part of a government mentioned in clause (a) is a third party for the purposes of this act.

"Restriction on advertising by Ontario government

"37.0.3(1) During the following periods, a government office within the meaning of the Government Advertising Act, 2004, shall not publish, display or broadcast an advertisement, distribute printed matter to Ontario households, or convey a message to the public, about the government office's programs or activities:

"1. In the case of an election that is held under subsection 9(2) of the Election Act, the period beginning 90 days before election day and ending on election day.

"2. In any other case, the period beginning on the day the writ for the election is issued and ending on election day.



“Exceptions

“(2) Subsection (1) does not apply with respect to advertisements, printed matter or messages,

“(a) that are required by law;

“(b) that are required during the relevant period,

“(i) because they relate to important matters of public health or safety, or

“(ii) to solicit proposals or tenders for contracts or applications for employment;

“(c) that are in continuation of earlier advertisements or messages and that are required during the relevant period for the ongoing programs of the government office; or

“(d) that, during the campaign period for a by-election,

“(i) are in continuation of earlier advertisements or messages and that are required during the relevant period for the ongoing programs of the government office, or

“(ii) deal with a matter before the assembly during the relevant period, such as the speech from the throne, the budget, the introduction or passage of a bill or an order or resolution of the assembly.”

**The Chair (Mr. Grant Crack):** Further discussion? Ms. Gretzky?

**Mrs. Lisa Gretzky:** I have nothing to add.

**The Chair (Mr. Grant Crack):** Okay. Further discussion? There being none, I shall call for the vote.

**Mrs. Lisa Gretzky:** I'd like a recorded vote.

**The Chair (Mr. Grant Crack):** That is in order and shall be entertained.

I shall call the vote on NDP motion 48.

**Ayes**

Gretzky, Hillier, McDonell.

**Nays**

Berardinetti, Colle, Hoggarth, Malhi, Rinaldi.

**The Chair (Mr. Grant Crack):** I declare NDP motion number 48 defeated.

There are, therefore, no amendments that carried on section 34. Is there any discussion on section 34? I shall call for the vote. Shall section 34 carry? Those in favour? Those opposed? I declare section 34 carried.

We shall move to section 35, which is PC motion number 49, new subsection 35(3), new subsection 37.1(2)(a) and (b) of the Election Finances Act. Mr. Hillier.

**Mr. Randy Hillier:** Withdrawn.

**The Chair (Mr. Grant Crack):** Thank you. That is in order.

There are, therefore, no amendments to section 35. Any discussion on section 35? There being none, I shall call for the vote on section 35. Shall section 35 carry? Those in favour? Those opposed? I declare section 35 carried.

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We shall move to section 36. There are no amendments. Any discussion on section 36? There being none, I shall call for the vote. Shall 36 carry? Those in favour? Those opposed? I declare section 36 carried.

We shall move to section 37. There are no amendments. Any discussion on section 37? I shall, then, call for the vote. Shall section 37 carry? Those in favour? Those opposed? I declare section 37 carried.

We shall move to section 38, which is PC motion 50 creating new subsection 38(1.1), new clause (f.1), subsection 37.5(2) of the Election Finances Act. Mr. Hillier?

**Mr. Randy Hillier:** I move that section 38 of the bill be amended by adding the following subsection:

“(1.1) Subsection 37.5(2) of the act is amended by adding the following clause:

“(f.1) a signed declaration from each of the principal officers of the third party that,

“(i) they and the third party are at arm's length from any registered candidate, registered constituency association or registered party, and

“(ii) they will ensure that the third party does not use the services of any person or entity that is not at arm's length from any registered candidate, registered constituency association or registered party;”

**The Chair (Mr. Grant Crack):** Further discussion on PC motion 50? Mr. Hillier.

**Mr. Randy Hillier:** The only discussion is that, once again, we know that the Liberal members are not permitted to engage in discussion or debate. No amount of argument will sway the direction that they've been provided by the Premier's office, so further discussion would be pointless, fruitless and moot. No further discussion.

**The Chair (Mr. Grant Crack):** Further discussion? There being none, I shall call for the vote on PC motion number 50.

**Mr. Randy Hillier:** Recorded vote.

**The Chair (Mr. Grant Crack):** There is a recorded vote requested, which is in order. I shall call the vote. Shall PC motion 50 carry?

**Ayes**

Gretzky, Hillier, McDonell.

**Nays**

Berardinetti, Colle, Hoggarth, Malhi, Rinaldi.

**The Chair (Mr. Grant Crack):** I declare PC motion 50 defeated.

We shall move to PC motion number 51, which is an amendment proposing new subsections 38(3.1) and (3.2), subsections 37.5(8) and (9) of the Election Finances Act. Mr. Hillier?

**Mr. Randy Hillier:** I move that section 38 of the bill be amended by adding the following subsections:



“(3.1) Subsection 37.5(8) of the act is repealed and the following substituted:

“Application rejected

“(8) A third party may not be registered if, in the opinion of the Chief Electoral Officer,

“(a) the resemblance between its name or the abbreviation of its name and a name, abbreviation or nickname referred to in subsection (9) is so close that confusion is likely; or

“(b) the third party or any of its principal officers are not at arm's length from a registered candidate, registered constituency association or registered party.

“(3.2) Subsection 37.5(9) of the act is amended by striking out “Subsection (8)” in the portion before clause (a) and substituting “Clause (8)(a).”

**The Chair (Mr. Grant Crack):** Further discussion? Mr. Hillier.

**Mr. Randy Hillier:** Once again, we'll see what Liberal direction has been provided by the Premier's office. This, again, is just to improve disclosure, transparency and accountability and, if I was a betting man, the Liberal members will vote against transparency, accountability and disclosure.

**The Chair (Mr. Grant Crack):** Further discussion on PC motion 51? There being none, I shall call for the vote.

**Mr. Randy Hillier:** Recorded vote.

**The Chair (Mr. Grant Crack):** That is in order. A recorded vote will be entertained.

#### Ayes

Hillier, McDonell.

#### Nays

Berardinetti, Colle, Hoggarth, Malhi, Rinaldi.

**The Chair (Mr. Grant Crack):** I declare PC motion 51 defeated.

There are no amendments to section 38 in its entirety. Is there further discussion on section 38? Mrs. Gretzky.

**Mrs. Lisa Gretzky:** I'd like to give notice that the New Democratic Party recommends voting against section 38.

**The Chair (Mr. Grant Crack):** Further discussion? There being none, I shall call for the vote on section 38. Shall section 38 carry? Those in favour? Those opposed? I declare section 38 carried.

We shall move to section 39. There are no amendments. Is there any discussion on section 39? Ms. Gretzky.

**Mrs. Lisa Gretzky:** I'd like to give notice that the New Democratic Party recommends voting against section 39 of the bill.

**The Chair (Mr. Grant Crack):** Further discussion on section 39? There being none, I shall call for the vote. Those in favour of section 39 carrying? Those opposed? I declare section 39 carried.

Section 40: further discussion on section 40? Ms. Gretzky.

**Mrs. Lisa Gretzky:** I'd like to give notice that the New Democratic Party recommends voting against section 40 of the bill.

**The Chair (Mr. Grant Crack):** Further discussion? There being none, I shall call for the vote on section 40. Shall section 40 carry? Those in favour? Those opposed? I declare section 40 carried.

We shall move to section 41. There are no amendments. Any discussion on section 41? Ms. Gretzky.

**Mrs. Lisa Gretzky:** I'd like to give notice that the New Democratic Party recommends voting against section 41 of this bill.

**The Chair (Mr. Grant Crack):** Further discussion? There being none, I shall call for the vote. Those in favour of section 41 carrying? Those opposed? I declare section 41 carried.

Section 42: no amendments. Further discussion on section 42? Ms. Gretzky.

**Mrs. Lisa Gretzky:** I'd like to give notice that the New Democratic Party recommends voting against section 42 of this bill.

**The Chair (Mr. Grant Crack):** Further discussion on section 42? There being none, I shall call for the vote. Shall section 42 carry? Those in favour? Those opposed? I declare section 42 carried.

We shall move to section 43. There is PC motion number 52, which is an amendment to section 43, clause 37.10.1(2)(a) of the Election Finances Act. Mr. Hillier.

**Mr. Randy Hillier:** Withdraw.

**The Chair (Mr. Grant Crack):** That is in order. PC motion 52 is withdrawn.

We'll move to PC motion number 53, which is an amendment to section 43, clause 37.10.1(2)(b) of the Election Finances Act. Mr. Hillier.

**Mr. Randy Hillier:** I move that clause 37.10.1(2)(b) of the Election Finances Act, as set out in section 43 of the bill, be amended by striking out “\$600,000” and substituting “\$100,000”.

**The Chair (Mr. Grant Crack):** Further discussion on PC motion 53? Mr. Hillier.

**Mr. Randy Hillier:** Once again, we'll see what direction the Premier's office has given. Clearly, there is no appetite to work in a bipartisan manner by the government members, so we'll let their vote stand.

**The Chair (Mr. Grant Crack):** Further discussion on PC motion 53? There being none, I shall call for the vote.

**Mr. Randy Hillier:** Recorded vote.

**The Chair (Mr. Grant Crack):** A recorded vote has been requested and is in order.

#### Ayes

Hillier, McDonell.

#### Nays

Berardinetti, Colle, Hoggarth, Malhi, Rinaldi.



**The Chair (Mr. Grant Crack):** I declare PC motion number 53 defeated.

We shall move to PC motion number 54, which is an amendment to section 43, subsection 37.10.1(3) of the Election Finances Act. Mr. Hillier.

**Mr. Randy Hillier:** Withdraw.

**The Chair (Mr. Grant Crack):** That is in order. PC motion 54 is withdrawn.

There are, therefore, no amendments to section 43. Any discussion on section 43? Ms. Gretzky.

**Mrs. Lisa Gretzky:** I give notice that the New Democratic Party recommends voting against section 43 of this bill.

**The Chair (Mr. Grant Crack):** Any further discussion on section 43? There being none, I shall call for the vote. Shall section 43 carry? Those in favour? Any opposed? I declare section 43 carried.

We shall move to section 44. There are no amendments. Any discussion? Ms. Gretzky.

**Mrs. Lisa Gretzky:** Thank you, Chair. You must have a crystal ball. I give notice that the New Democratic Party recommends voting against section 44 of this bill.

**The Chair (Mr. Grant Crack):** Any further discussion on section 44? There being none, I shall call for the vote. Shall section 44 carry? Those in favour? Those opposed? I declare section 44 carried.

We shall move to section 45, which is PC motion 55, which is an amendment to section 45, subsection 37.12(8) of the Election Finances Act. Mr. Hillier.

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**Mr. Randy Hillier:** Withdraw.

**The Chair (Mr. Grant Crack):** That is in order. PC motion 55 is withdrawn.

Any further discussion on section 45? Ms. Gretzky.

**Mrs. Lisa Gretzky:** I give notice that the New Democratic Party recommends voting against section 45 of this bill.

**The Chair (Mr. Grant Crack):** Further discussion? There being none, I shall call for the vote on section 45. Those in favour of section 45 carrying? Those opposed? I declare section 45 carried.

We shall move to section 46. There are no amendments. Discussion? Ms. Gretzky.

**Mrs. Lisa Gretzky:** I give notice that the New Democratic Party recommends voting against section 46 of this bill.

**The Chair (Mr. Grant Crack):** Further discussion? There being none, I shall call for the vote. Shall section 46 carry? Those in favour? Those opposed? I declare section 46 carried.

We shall move to section 47, which is NDP motion 56, creating new subsection 47(1.1), new subsections 38(2.1) to (2.3) of the Election Finances Act. Ms. Gretzky?

**Mrs. Lisa Gretzky:** I move that section 47 of the bill be amended by adding the following subsection:

“(1.1) Section 38 of the act is amended by adding the following subsections:

““(2.1) Limitation: political party advertising expenses

“(2.1) The total campaign expenses incurred by a registered party and any person, corporation, trade union, unincorporated association or organization acting on behalf of the party for advertising during a campaign period shall not exceed the amount determined by multiplying the applicable amount by,

“(a) in relation to a general election, the number of electors in the electoral districts in which there is an official candidate of that party; and

“(b) in relation to a by-election in an electoral district, the number of electors in that electoral district.

““(2.2) Applicable amount

“(2.2) For the purposes of subsection (2.1), the applicable amount is 30 cents, multiplied by the indexation factor determined under section 40.1 and rounded to the nearest cent.

““(2.3) Advertising expenses included in campaign expenses

“(2.3) The advertising expenses permitted under subsection (2.1) are included in, and are not in addition to, the campaign expenses permitted under subsection (1).”

**The Chair (Mr. Grant Crack):** Further discussion? There being none, I shall call for the vote on NDP motion 56.

**Mrs. Lisa Gretzky:** Chair, I'd like a recorded vote.

**The Chair (Mr. Grant Crack):** That is in order and will be entertained. I shall therefore call for the vote.

**Ayes**

Gretzky.

**Nays**

Berardinetti, Colle, Hoggarth, Malhi, Rinaldi.

**The Chair (Mr. Grant Crack):** I declare NDP motion 56 defeated.

There are no amendments to section 47, as a result. Any discussion on section 47? There being none, I shall call for the vote. Shall section 47 carry? Those in favour? Those opposed? I declare section 47 carried.

We shall move to section 48, which has an amendment, PC motion 57, amending section 48, section 38.2 of the Election Finances Act. Mr. Hillier?

**Mr. Randy Hillier:** Withdraw.

**The Chair (Mr. Grant Crack):** That is in order. PC motion number 57 is withdrawn.

There are therefore no amendments to section 48. Any discussion on section 48 in its entirety? There being none, I shall call for the vote. Shall section 48 carry? Those in favour? Those opposed? I declare section 48 carried.

We shall move to section 49. There are no amendments. Any discussion on section 49? There being none, I shall call for the vote. Shall section 49 carry? Those in favour? Those opposed? I declare section 49 carried.



We shall move to section 50, which is PC motion 58, amending subsections 50(1) to (6) and (9), section 40 of the Election Finances Act. Mr. Hillier?

**Mr. Randy Hillier:** Withdraw.

**The Chair (Mr. Grant Crack):** That is in order. PC motion 58 is withdrawn.

There are therefore no amendments to section 50. Any discussion on section 50 in its entirety? There being none, I shall call for the vote. Shall section 50 carry? Those in favour? Those opposed? I declare section 50 carried.

Does the committee wish to bundle sections 51 and 52?

**Interjection:** Yes.

**The Chair (Mr. Grant Crack):** Is there any discussion on sections 51 and 52? There being none, I shall call for the vote on sections 51 and 52. Shall section 51 and section 52 carry? Those in favour? Those opposed? I declare section 51 and section 52 carried.

We shall move to section 53, which is PC motion number 59 amending section 53, subsection 41.1(3) of the Election Finances Act. Mr. Hillier.

**Mr. Randy Hillier:** Withdrawn.

**The Chair (Mr. Grant Crack):** PC motion number 59 is withdrawn. That is in order.

Section 53: There are no amendments. Is there any discussion on section 53? There being none, I shall call for the vote. Shall section 53 carry? Those in favour? Those opposed? I declare section 53 carried.

We shall move to section 54, which is PC motion number 60, amending new subsection 54(1.1), subsection 42(3.2) of the Election Finances Act. Mr. Hillier.

**Mr. Randy Hillier:** I move that section 54 of the bill be amended by adding the following subsection:

“(1.1) Section 42 of the act is amended by adding the following subsection:

“Record of volunteers

“(3.2) A registered political party, registered candidate or registered constituency association that receives any service that does not come within the definition of “contribution” during the campaign period shall,

“(a) require that the person who performed the service sign a form that,

“(i) lists the person’s name, contact information and occupation and the name of the person’s employer, if any, and

“(ii) confirms that the person has not received compensation for performing the service, whether from the party, candidate, constituency association or any other person or entity; and

“(b) keep a copy of all forms required by clause (a) for examination by the Chief Electoral Officer.”

**The Chair (Mr. Grant Crack):** Further discussion? Mr. Hillier? There being none, I shall call for the vote on PC motion number 60.

**Mr. Randy Hillier:** Recorded vote.

**The Chair (Mr. Grant Crack):** There has been a request for a recorded vote, which is in order and shall be entertained.

**Ayes**

Hillier, McDonell.

**Nays**

Berardinetti, Colle, Hoggarth, Malhi.

**The Chair (Mr. Grant Crack):** I declare PC motion 60 defeated, which results in no amendments to section 54. Any discussion on section 54? There being none, I shall call for the vote. Shall section 54 carry? Those in favour? Those opposed? I declare section 54 carried.

Is it the will of the committee to bundle section 55, section 56, section 57 and section 58? I don’t hear any opposition, so that shall be entertained. Any discussion on sections 55 through 58? There being none, I shall call for the vote. Shall section 55, section 56, section 57 and section 58 carry? Those in favour? Those opposed? I declare section 55, section 56, section 57 and section 58 carried.

We shall move to PC motion number 61, which is an amendment to section 59, Government Advertising Act, 2004.

**Mr. Randy Hillier:** I move that section 59 of the bill be struck out and the following substituted:

“59(1) Section 1.1 of the Government Advertising Act, 2004, is repealed.

“(2) Subsections 2(1) and (2) of the act are repealed and the following substituted:

“Requirements re advertisements

“(1) This section applies with respect to any advertisement that a government office proposes to pay to have published in a newspaper or magazine, displayed on a billboard, broadcast on radio or on television or published on the internet.

“Submission for review

“(2) The head of the government office shall give a copy of the advertisement to the Office of the Auditor General for review.

“Prohibition on use pending review

“(3) The government office shall not publish, display or broadcast the advertisement before the head of the office receives notice, or is deemed to have received notice, of the results of the review.

“Prohibition

“(4) The government office shall not publish, display or broadcast the advertisement if the head of the office receives notice that, in the Auditor General’s opinion, the advertisement does not meet the standards.

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“(3) Subsection 3(2) of the act is repealed and the following substituted:

“Submission for review

“(2) The head of the government office shall give a copy of the printed matter to the Office of the Auditor General for review.

“Prohibition on use pending review



“(3) The government office shall not distribute the printed matter before the head of the office receives notice, or is deemed to have received notice, of the results of the review.

“Prohibition

“(4) The government office shall not distribute the printed matter if the head of the office receives notice that, in the Auditor General’s opinion, it does not meet the standards.’

“(4) Subsection 4(2) of the act is repealed and the following substituted:

“Submission for review

“(2) The head of the government office shall give a copy of the message to the Office of the Auditor General for review.

“Prohibition on use pending review

“(3) The government office shall not convey the message before the head of the office receives notice, or is deemed to have received notice, of the results of the review.

“Prohibition

“(4) The government office shall not convey the message if the head of the office receives notice that, in the Auditor General’s opinion, the message does not meet the standards.’

“(5) Section 4.1 of the act is repealed.

“(6) Sections 6, 7 and 8 of the act are repealed and the following substituted:

“Required standards

“6(1) The following are the standards that an item is required to meet:

“1. It must be a reasonable means of achieving one or more of the following purposes:

“i. To inform the public of current or proposed government policies, programs or services available to them.

“ii. To inform the public of their rights and responsibilities under the law.

“iii. To encourage or discourage specific social behaviour, in the public interest.

“iv. To promote Ontario or any part of Ontario as a good place to live, work, invest, study or visit or to promote any economic activity or sector of Ontario’s economy.

“2. It must include a statement that the item is paid for by the government of Ontario.

“3. It must not include the name, voice or image of a member of the executive council or a member of the assembly.

“4. It must not be partisan.

“5. It must not be a primary objective of the item to foster a positive impression of the governing party or a negative impression of a person or entity that is critical of the government.

“6. It must meet the additional standards, if any, that are prescribed.

“Advertising outside Ontario

“(2) Paragraph 3 of subsection (1) does not apply with respect to an item for which the primary target audience is located outside of Ontario.

“Partisan advertising

“(3) An item is partisan if, in the opinion of the Auditor General, a primary objective of the item is to promote the partisan political interests of the governing party.

“Same

“(4) The Auditor General shall consider the factors, if any, that are prescribed, and may consider the additional factors that he or she considers appropriate, in deciding whether a primary objective of an item is to promote the partisan political interests of the governing party.

“Notice of results of review

“(7(1) The Office of the Auditor General shall notify the head of the government office of the results of the review within the prescribed number of days after receiving an item for review.

“Deemed notice

“(2) If the notice is not given within that period, the head shall be deemed to have received notice that the item meets the standards.

“Submission of revised version

“(8(1) If the head of a government office is notified that an item does not meet the standards and if the government office proposes to use a revised version of it, the head shall give the revised version to the Office of the Auditor General for a further review.

“Prohibition on use pending review

“(2) The government office shall not use the revised version before the head of the office receives notice, or is deemed to have received notice, of the results of the review.

“Prohibition

“(3) The government office shall not use the revised version if the head of the office receives notice that, in the Auditor General’s opinion, the revised version does not meet the standards.

“Review of revised version

“(4) Sections 5 and 6 apply with respect to the review.

“Notice of results of review, revised version

“(5) The Office of the Auditor General shall notify the head of the results of the further review within the prescribed number of days after receiving the revised version.

“Deemed notice

“(6) If the notice is not given within that period, the head shall be deemed to have received notice that the revised version meets the standards.

“Definitions

“(7) In subsections (8), (9) and (10),

““by-election” has the same meaning as in the Election Finances Act;

““crown agency” has the same meaning as in the Crown Agency Act;

““election period” has the same meaning as in section 37.1 of the Election Finances Act;



““general election” has the same meaning as in the Election Finances Act.

““On use during election period etc.

“(8) Despite notice or deemed notice that an item meets the standards, a government office or a crown agency shall not publish, display, broadcast, distribute or convey the item during the following periods, unless permitted under subsection (9):

“1. Any election period, whether for a by-election or a general election.

“2. The six-month period immediately before the issue of a writ of election for a general election held in accordance with subsection 9(2) of the Election Act.

“Exceptions

“(9) Subsection (8) does not apply if publishing, displaying, broadcasting, distributing or conveying the item is,

“(a) required by law;

“(b) done for the purpose of soliciting proposals or tenders for contracts or applications for employment with a government office or crown agency;

“(c) done for a purpose relating to important matters of public health or safety;

“(d) done by a crown agency with respect to ongoing programs offered by the agency, if the agency has previously published, displayed, broadcasted, distributed or conveyed the item before the period described in paragraph 2 of subsection (8); or

“(e) done during an election period with respect to,

“(i) ongoing programs offered by a government office, if the office has previously published, displayed, broadcasted, distributed or conveyed the item in accordance with this act, or

“(ii) a bill, resolution or other matter that is or was before the assembly in the session immediately before the election.

“Pre-existing publication etc.

“(10) Subsection (8) requires a government office or a crown agency to cease any ongoing or continued publication, display, broadcasting, distribution or conveying of an item that began before the beginning of the period described in that subsection, unless, in the opinion of the head of the office or agency, as the case may be, it is not practicable to do so.”

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“(7) The following provisions of the act are amended by striking out ‘4.1’ wherever that expression appears:

“1. Subsection 9(2).

“2. Section 10.”

“(8) Clauses 12(1)(a.1), (a.2) and (a.3) of the act are repealed.

“(9) Clause 12(1)(c) of the act is amended by striking out ‘paragraph 3’ and substituting ‘paragraph 6’.

“(10) Clauses 12(1)(d), (e) and (f) of the act are repealed and the following substituted:

“(d) prescribing additional factors for the purposes of subsection 6(4);

“(e) prescribing a number of days for the purposes of subsection 7(1) and for the purposes of subsection 8(5).”

“(11) Subsection 12(2) of the act is amended by striking out ‘clause (1)(d)’ and substituting ‘clause (1)(e)’.”

**The Vice-Chair (Mr. Lou Rinaldi):** Wow, that’s a marathon. You wouldn’t want me to ask you to read it again, would you?

Mr. Hillier, after all that, this motion seeks to amend sections of the Government Advertising Act that are not open in this particular bill before us.

**Mr. Randy Hillier:** It’s not broadly germane to the bill?

**The Vice-Chair (Mr. Lou Rinaldi):** I’ll start from the beginning. This motion seeks to amend sections of the Government Advertising Act that are not open in the bill before us. It is, therefore, beyond the scope of the bill, and I’m ruling it out of order on those grounds.

**Mr. Randy Hillier:** I expected so. Thank you.

**The Vice-Chair (Mr. Lou Rinaldi):** All right. We’re going to move along to section 59 of the bill, and it is motion 62. It’s the advertising act, so it’s PC motion number 48.

**Mr. Randy Hillier:** No, we just did that.

**The Vice-Chair (Mr. Lou Rinaldi):** Okay. PC motion 62, on the Government Advertising Act.

**Mr. Randy Hillier:** Was it not 62 that I just read in and that you—

**The Vice-Chair (Mr. Lou Rinaldi):** That was 61.

**Mr. Randy Hillier:** That was 61? Motion 62 is withdrawn.

**The Vice-Chair (Mr. Lou Rinaldi):** Withdrawn. Okay. We are moving to—still on section 59, PC motion 49.

**Mr. Randy Hillier:** Withdrawn.

**Mr. Ralph Armstrong:** Motion 63.

**The Vice-Chair (Mr. Lou Rinaldi):** Motion 63. Sorry.

**Mr. Ralph Armstrong:** It has 49 on top, but—

**The Vice-Chair (Mr. Lou Rinaldi):** Okay. Moving along—I’ll get this right for a change.

We have an NDP motion, number 64; right?

*Interjection.*

**The Vice-Chair (Mr. Lou Rinaldi):** Correct, Randy?

**Mr. Randy Hillier:** Yes. Motions 62 and 63 were both withdrawn.

**The Vice-Chair (Mr. Lou Rinaldi):** Correct. Now we’re moving to NDP motion number 64, sections 59 to 59.10 of the bill, amending the Government Advertising Act, 2004.

**Mrs. Lisa Gretzky:** I move that section 59 of the bill be struck out and the following substituted:

“Government Advertising Act, 2004

“59(1) The definition of ‘item’ in subsection 1(1) of the Government Advertising Act, 2004 is repealed and the following substituted:

““item” means a reviewable advertisement, reviewable printed matter or a reviewable message, as the case may be; (“document”)”

“(2) The definition of ‘prescribed’ in subsection 1(1) of the act is repealed and the following substituted:



““prescribed” means prescribed by a regulation made under this act; (“prescript”)”

“(3) The definition of ‘regulations’ and the definition of ‘standards’ in subsection 1(1) of the act are repealed.

“59.1 Section 1.1 of the act is repealed.

“59.2 Subsection 2(2) of the act is repealed and the following substituted:

“Submission for review

“(2) The head of the government office shall give a copy of the advertisement to the Office of the Auditor General for review.

“Prohibition on use pending review

“(3) The government office shall not publish, display or broadcast the advertisement before the head of the office receives notice, or is deemed to have received notice, of the results of the review.

“Prohibition

“(4) The government office shall not publish, display or broadcast the advertisement if the head of the office receives notice that, in the Auditor General’s opinion, the advertisement does not meet the standards required by this act.”

“59.3 Subsection 3(2) of the act is repealed and the following substituted:

“Submission for review

“(2) The head of the government office shall give a copy of the printed matter to the Office of the Auditor General for review.

“Prohibition on use pending review

“(3) The government office shall not distribute the printed matter before the head of the office receives notice, or is deemed to have received notice, of the results of the review.

“Prohibition

“(4) The government office shall not distribute the printed matter if the head of the office receives notice that, in the Auditor General’s opinion, it does not meet the standards required by this act.”

“59.4 Subsection 4(2) of the act is repealed and the following substituted:

“Submission for review

“(2) The head of the government office shall give a copy of the message to the Office of the Auditor General for review.

“Prohibition on use pending review

“(3) The government office shall not convey the message before the head of the office receives notice, or is deemed to have received notice, of the results of the review.

“Prohibition

“(4) The government office shall not convey the message if the head of the office receives notice that, in the Auditor General’s opinion, the message does not meet the standards required by this act.”

“59.5 Section 4.1 of the act is repealed.

“59.6 Subsection 5(1) of the act is repealed and the following substituted:

“Review by the Auditor General

“(1) When an item is given to the Office of the Auditor General for review, the Auditor General shall review it to determine whether, in his or her opinion, it meets the standards required by this act.”

“59.7 Sections 6, 7 and 8 of the act are repealed and the following substituted:

“Required standards

“6(1) The following are the standards that an item is required to meet:

“1. It must be a reasonable means of achieving one or more of the following purposes:

“i. To inform the public of current or proposed government policies, programs or services available to them.

“ii. To inform the public of their rights and responsibilities under the law.

“iii. To encourage or discourage specific social behaviour, in the public interest.

“iv. To promote Ontario or any part of Ontario as a good place to live, work, invest, study or visit or to promote any economic activity or sector of Ontario’s economy.

“2. It must include a statement that the item is paid for by the government of Ontario.

“3. It must not include the name, voice or image of a member of the executive council or a member of the assembly.

“4. It must not be partisan.

“5. It must not be a primary objective of the item to foster a positive impression of the governing party or a negative impression of a person or entity who is critical of the government.

“6. It must meet such additional standards as may be prescribed.

“Advertising outside Ontario

“(2) Paragraph 3 of subsection (1) does not apply with respect to an item for which the primary target audience is located outside of Ontario.

“Partisan advertising

“(3) An item is partisan if, in the opinion of the Auditor General, a primary objective of the item is to promote the partisan political interests of the governing party.

“Same

“(4) The Auditor General shall consider such factors as may be prescribed, and may consider such additional factors as he or she considers appropriate, in deciding whether a primary objective of an item is to promote the partisan political interests of the governing party.

“Notice of results of review

“7(1) The Office of the Auditor General shall notify the head of the government office of the results of the review within the prescribed number of days after receiving an item for review.

“Deemed notice

“(2) If the notice is not given within that period, the head shall be deemed to have received notice that the item meets the standards required by this act.

“Submission of revised version



“8(1) If the head of a government office is notified that an item does not meet the standards required by this act and if the government office proposes to use a revised version of it, the head shall give the revised version to the Office of the Auditor General for a further review.

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“Prohibition on use pending review

“(2) The government office shall not use the revised version before the head of the office receives notice, or is deemed to have received notice, of the results of the review.

“Prohibition

“(3) The government office shall not use the revised version if the head of the office receives notice that, in the Auditor General’s opinion, the revised version does not meet the standards required by this act.

“Review of revised version

“(4) Sections 5 and 6 apply with respect to the review.

“Notice of results of review, revised version

“(5) The Office of the Auditor General shall notify the head of the results of the further review within the prescribed number of days after receiving the revised version.

“Deemed notice

“(6) If the notice is not given within that period, the head shall be deemed to have received notice that the revised version meets the standards required by this act.”

“59.8 Subsection 9(2) of the act is amended by striking out ‘4.1’.

“59.9 Section 10 of the act is amended by striking out ‘4.1’.

“59.10(1) Clauses 12(1)(a.1), (a.2) and (a.3) of the act are repealed.

“(2) Clause 12(1)(c) of the act is amended by striking out ‘paragraph 3’ and substituting ‘paragraph 6’.

“(3) Clauses 12(1)(d), (e) and (f) of the act are repealed and the following substituted:

“(d) prescribing additional factors for the purposes of subsection 6(4);

“(e) prescribing a number of days for the purposes of subsection 7(1) and for the purposes of subsection 8(5).”

“(4) Subsection 12(2) of the act is repealed.”

**The Vice-Chair (Mr. Lou Rinaldi):** Thank you, Ms. Gretzky. This motion seeks to amend sections of the Government Advertising Act that are not open in this particular bill before us. It is therefore beyond the scope of the bill and I’m ruling it out of order on those grounds.

**Mrs. Lisa Gretzky:** Thank you, Chair.

*Interjections.*

**The Vice-Chair (Mr. Lou Rinaldi):** Sorry for the delay, folks. We’re going to be voting on section 59, as amended—

*Interjection.*

**The Vice-Chair (Mr. Lou Rinaldi):** No, there are no amendments. Sorry. Section 59 has no amendments. Any further discussion on section 59?

**Mr. Randy Hillier:** Is section 59.1 a different section?

**Mr. Ralph Armstrong:** Yes, it is.

**Mr. Randy Hillier:** Okay.

**The Vice-Chair (Mr. Lou Rinaldi):** So if there is no further discussion, I’m going to call for the vote. All those in favour of section 59? All those opposed? I declare section 59 carried. Thank you for your patience.

We have PC motion number 65: section 59.1 of the bill, section 17 of the Members’ Integrity Act, 1994. Mr. Hillier.

**Mr. Randy Hillier:** I move that the bill be amended by adding the following section:

“Members’ Integrity Act, 1994

“59.1 Section 17 of the Members’ Integrity Act, 1994 is amended by adding the following subsections:

“No fundraising from interested person or entity

“(4) The executive council and its members shall not solicit any contribution, within the meaning of the Election Finances Act, to a party, constituency association, candidate or leadership contestant registered under that act from,

“(a) any person or entity that, in the previous five years, has applied for a contract with or a benefit from the crown in right of Ontario, has been awarded a contract from the crown in right of Ontario or has received a benefit from the crown in right of Ontario, if the value of the contract or benefit exceeds \$1,000;

“(b) an employee of a person or entity described in clause (a);

“(c) a person whom a person or entity described in clause (a) retains under a contract whose value exceeds \$1,000;

“(d) any consultant lobbyist within the meaning of the Lobbyists Registration Act, 1998 or in-house lobbyist, within the meaning of subsection 5(7) or 6(5) of that act, if the lobbyist is acting on behalf of a person or entity described in clause (a);

“(e) an employee of a person described in clause (d);

or

“(f) a person whom a person described in clause (d) retains under a contract whose value exceeds \$1,000.

“No influencing choice of fundraising persons

“(5) The executive council and its members shall not directly or indirectly encourage or influence a party, constituency association, candidate or leadership contestant registered under the Election Finances Act to include any person described in clauses (4)(a) to (f) on any of its committees for any purpose, whether for soliciting a contribution, within the meaning of that act, or otherwise.

“Separate records of fundraising

“(6) The executive council and its members shall ensure that all records maintained by the government of Ontario for the purpose of conducting business for the government are kept separate from records that a party, constituency association, candidate or leadership contestant registered under the Election Finances Act maintains of any solicitations that it makes for a contribution, within the meaning of that act, including records of the names of the persons or entities that are the subject of the



solicitations, their contact information and any other information about them.

“No conflict of interest while fundraising

“(7) The executive council and its members shall not do any of the following when soliciting any contribution, within the meaning of the Election Finances Act, to a party, constituency association, candidate or leadership contestant registered under that act:

“1. Use any facilities, equipment or supplies of the government of Ontario.

“2. Imply directly or indirectly that the solicitation is part of or related to conducting business for the government of Ontario.

“3. Disclose any information about a contract with or a benefit from the crown in right of Ontario, that a person or entity has applied for within the previous five years or a contract or benefit that the crown in right of Ontario has awarded to a person or entity within the previous five years, if the value of the contract or benefit exceeds \$1,000.

“Regulations

“(8) The Lieutenant Governor in Council may make regulations specifying how the value of a contract or benefit mentioned in clause (4)(a) or paragraph 3 of subsection (7) is to be determined.”

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**The Vice-Chair (Mr. Lou Rinaldi):** Thank you, Mr. Hillier. Again, Mr. Hillier, this motion seeks to amend an act, the Members' Integrity Act, that is not open in the bill before us. It is therefore beyond the scope of the bill, and I'm ruling it out of order on those grounds.

Now we move to NDP motion number 66, which is on sections 59.13 to 59.16 of the bill, amending the Members' Integrity Act, 1994. Ms. Gretzky?

**Mrs. Lisa Gretzky:** I move that the bill be amended by adding the following sections:

“Members' Integrity Act, 1994

“59.13 Section 1 of the Members' Integrity Act, 1994 is amended by adding the following subsections:

“Conflict of interest

“(2) For the purposes of this act, a member of the assembly has a conflict of interest when the member exercises an official power or performs an official duty or function in the execution of his or her office and at the same time knows that in the performance of the duty or function or in the exercise of the power there is the opportunity to further his or her private interest.

“Apparent conflict of interest

“(3) For the purposes of this act, a member of the assembly has an apparent conflict of interest if there is a reasonable perception, which a reasonably well-informed person could properly have, that the member's ability to exercise an official power or perform an official duty or function must have been affected by his or her private interest.”

“59.14 Section 2 of the act is repealed and the following substituted:

“Conflict of interest prohibition

“2. A member of the assembly shall not make a decision or participate in making a decision in the execution of his or her office if the member has a conflict of interest or an apparent conflict of interest.”

“59.15 The act is amended by adding the following section:

“Inquiry initiated by commissioner

“30.1 If the commissioner has reasonable and probable grounds to believe that a member has contravened this act or Ontario parliamentary convention, the commissioner may conduct an inquiry, after giving the member whose conduct is concerned reasonable notice, and section 31 applies as if the matter was referred by a member.”

“59.16 Subsection 34(1) of the act is amended by striking out ‘subsection 31(1) or (2)’ in the portion before clause (a) and substituting ‘section 30.1 or subsection 31(1) or (2)’.”

**The Vice-Chair (Mr. Lou Rinaldi):** Thank you, Ms. Gretzky. Ms. Gretzky, again, this motion seeks to amend an act, the Members' Integrity Act, that is not open in the bill before us. It is therefore beyond the scope of the bill, and I'm ruling it out of order on those grounds.

PC motion number 67, on section 59.2 of the bill, subsection 116(2) of the Public Service of Ontario Act, 2006: Mr. Hillier?

**Mr. Randy Hillier:** I move that the bill be amended by adding the following section:

“Public Service of Ontario Act, 2006

“59.2 Section 116 of the Public Service of Ontario Act, 2006 is amended by adding the following subsection:

“Same, by member of assembly

“(2) A member of the assembly or a person acting on behalf of the member may disclose wrongdoing to the Integrity Commissioner if the member or person has reason to believe that a public servant or former public servant has contravened a conflict of interest rule made under clause 71(a)(a) of the act.”

*Interjection.*

**The Vice-Chair (Mr. Lou Rinaldi):** Okay, Mr. Hillier, the last line: Do I see “clause 71(1)(a) of the act”?

**Mr. Randy Hillier:** Yes.

**The Vice-Chair (Mr. Lou Rinaldi):** That's not the way it came out, so you're okay with—

**Mr. Randy Hillier:** It's out of order anyway.

**The Vice-Chair (Mr. Lou Rinaldi):** Thank you—well, for the record.

Again, Mr. Hillier, this motion seeks to amend an act, the Public Service of Ontario Act, 2006, that is not open in this bill before us. It's therefore beyond the scope of the bill, and I'm ruling it out of order on those grounds.

Moving right along: NDP motion 68, on sections 59.11 and 59.12 of the bill, amending the Lobbyists Registration Act, 1998. Ms. Gretzky.

**Mrs. Lisa Gretzky:** I move that the bill be amended by adding the following sections:

“Lobbyists Registration Act, 1998



“59.11 Section 4 of the Lobbyists Registration Act, 1998 is amended by adding the following subsection:

“Same, political contributions

“(4.1) A consultant lobbyist who is required to file a return under subsection (1) shall, at the same time, file a return listing each contribution to which the Election Finances Act applies that was made by the consultant lobbyist or by any high-level staff member of the consultant lobbyist’s client during the preceding 24 months.”

“59.12 The act is amended by adding the following section:

“Duty to file monthly report, consultant lobbyist

“4.1(1) If a consultant lobbyist’s lobbying is directed to a high-level public office holder, the consultant lobbyist shall file a monthly report with the registrar in accordance with the following rules:

“1. The report shall contain, with respect to every lobbying activity that is of a prescribed type and that occurred in that month,

“i. the name of each high-level public office holder who was the object of the lobbying,

“ii. the date of the lobbying,

“iii. particulars, including any prescribed particulars, to identify the subject matter of the lobbying,

“iv. if the lobbying took place at a fundraising event, the particulars of the event, including the ticket price for admission, and

“v. any other prescribed information.

“2. The report shall be filed within 15 days after the end of every month, beginning with the month in which a return is filed under subsection 4(1).

“3. The report shall be filed in the prescribed manner and form.

“Transitional

“(2) A consultant lobbyist who has a duty to file a report under this section shall do so within 15 days after the day on which this section comes into force in respect of the month ending before the day this section comes into force and after that in accordance with paragraph 1 of subsection (1).”

**The Vice-Chair (Mr. Lou Rinaldi):** Thank you, Ms. Gretzky. It seems I’m the bearer of bad news again. This motion seeks to amend an act, the Lobbyists Registration Act, 1998, that is not open in the bill before us. It is therefore beyond the scope of the bill and I’m ruling it out of order on those grounds.

I’ve run out of amendments.

**Mr. Randy Hillier:** You’re such a hard fellow, ruling everything out of order like that.

**The Vice-Chair (Mr. Lou Rinaldi):** We have sections before us. We have sections 60, 61 and 62 with no amendments. Do we have agreement that we’ll deal with all three of them at once?

**Interjection:** Yes.

**The Vice-Chair (Mr. Lou Rinaldi):** Thank you. Any comments? No comments. Shall section 60, section 61 and section 62 carry? Against? None. Sections 60, 61 and 62 are carried.

Shall the title of the bill carry? Carried.

Shall Bill 2, as amended, carry?

**Mr. Randy Hillier:** I’d like to have a recorded vote on that and a discussion.

**The Vice-Chair (Mr. Lou Rinaldi):** All right. Discussion? Mr. Hillier.

**Mr. Randy Hillier:** On the bill?

**The Vice-Chair (Mr. Lou Rinaldi):** Yes, please.

**Mr. Randy Hillier:** No, it shouldn’t be reported back to the House. The bill, in its present form, is a partisan undertaking, absolutely contrary and opposed to the message telegraphed by the Premier at the start of her napkin-writing campaign to create election financing laws. So it is 180 degrees opposite of what she telegraphed to the public, that this would be done in a bipartisan fashion, that she would seek all-party consent.

1730

We have seen from the actions of the Liberal members in this committee that it was a facade, that there was no meaningful discussion or debate or engagement by any Liberal member on this committee. They got their marching orders. There was no room for any opposition amendments by the third party or by the official opposition. The bill ought not to be reported because it is fundamentally opposite to what was telegraphed to the people of Ontario.

**The Vice-Chair (Mr. Lou Rinaldi):** Any further discussion?

**Mr. Jim McDonnell:** I agree with what Mr. Hillier said. We go through some of these issues that we’re trying to raise here and we talk, just to the advertising thing, of the partisanship of what this government can do now.

We just went through the report today that the government spent \$800,000 on advertising after the pension plan was cancelled, and \$8 million before. That just shows how partisan this government can be. The Auditor General ruled that she would not have allowed that advertising.

I don’t know why, when we’re talking about elections, we would not include that type of amendment in the bill. This government obviously is very partisan and wants to ensure that it tilts the tables for the next election. The Premier was very clear when she started this out that it was not something she simply dreamed up at the kitchen table, filled in on a napkin, came out and then wanted some consensus. We’ve seen everything but that as we’ve gone through this committee.

They would not allow us to have the elections officer attend the meetings. They refused to request that he attend. They refused to accept his comments on it. We’ve seen where they refused even to have him comment after the next election. What are we worried about, that he’s going to come back and criticize this bill? Would not the government demand that they have some feedback on a bill that is so extraordinary, so new? But no. This government unanimously did not debate that cause but just turned it down. So how could you think anything but that this bill is really and totally directed to ensure that this government—through what I think the people of Ontario would call certainly partisan, but almost illegal—that the points make it so that they have, I guess, an upper hand in the next election.



Surely, at least one of our amendments would have carried, you would think. Many of them were put in just to make it a level playing field. Why would the government be afraid to have the Auditor General decide on advertising? I know the last budget took away many of her powers. The last of these bills this year have taken away many of the chief financial officer's powers. It took away many of the powers of the Chief Electoral Officer. Yet, all we hear from this government is how they're going to be transparent and fair.

Unfortunately, I guess these things don't get reported back to the press. But the people of Ontario should be protesting outside the door here. If you were in another country, I'm sure there would be thousands of people out front, because you're losing a lot of the democratic rights that you have. Allowing a government to do many of the things in this bill would be considered Third World by nature. Yet, I guess there's a pride in this government of what they can pull off. What's next? Bribery charges, we have misconduct, we have deletion of records—everything that has gone on just shows continuously a government that does not deserve to exist in the province and in a country like Canada.

We've had many people die in the previous wars trying to ensure that we have these rights, and we're seeing them removed, one by one, by this government. Who knows? I know there are four or five police investigations. Maybe there will be more people charged. But people have got to wonder about the length of some of these police investigations that continue to go on without conclusion. Where are they?

Anyway, it's just disappointing. We had an opportunity. I think all three parties were interested in making sure we had something that was fair and that we could hold up to the public and say, "We're happy with this." But from the start, it has been a charade, I think, as Mr. Hillier has said. We went around the province acting like we were

going to listen. The bill was introduced, debated—and then talk about major amendments coming in that weren't ruled out of order. It's funny they weren't in the bill, but they're okay to include in the bill, but when we talk about putting limits on advertising and bringing in the Integrity Commissioner, all of a sudden they're out of order. It doesn't make a lot of sense.

When the government seems to want something—and I guess we'll find out if that is, indeed, legal as we move through the procedure on that. The bill was reintroduced and these amendments that they talked about were not included again, were not available for debate, and then we're back here. So really, you've done everything you can to make sure that the people of Ontario should be outraged.

**The Vice-Chair (Mr. Lou Rinaldi):** Any further discussion? Having heard none, then this will be a recorded vote, I believe, Mr. Hillier? We're going to be voting on: Shall Bill 2, as amended, carry?

#### Ayes

Berardinetti, Colle, Gretzky, Hoggarth, Malhi.

#### Nays

Hillier, McDonell.

**The Vice-Chair (Mr. Lou Rinaldi):** I declare the motion passed.

Shall I report the bill, as amended, to the House? All those in favour? All those opposed? Carried.

So that's the end? Well, thank you so much. We got so much done today in such a short time. Thank you to everybody.

*The committee adjourned at 1737.*



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